



Department of Justice

FOR IMMEDIATE RELEASE
MONDAY, MAY 24, 1993

AT
(202) 514-2007
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**JUSTICE DEPARTMENT ISSUES BUSINESS REVIEW LETTER
TO FISHERMEN'S MARKETING ASSOCIATION**

WASHINGTON, D.C. -- The Department of Justice today declined to state that it would not challenge under the antitrust laws the implementation of a proposal submitted by the Fishermen's Marketing Association, Inc. (FMA) of Eureka, California, to extend membership to Canadian owners and captains of Canadian trawling vessels catching seafood in waters subject to Canadian jurisdiction.

The Department's position was stated in a business review letter from John W. Clark, Acting Assistant Attorney General in charge of the Antitrust Division, to counsel for the FMA.

The FMA is a non-profit corporation organized under the Fishermen's Collective Marketing Act (FCMA). Membership in the FMA is limited to persons involved in trawl fishing in waters adjacent to the United States' Pacific Coast. It currently has 600 members operating over 200 vessels.

Clark stated that under the FCMA, there is limited antitrust exemption available to fishermen who catch seafood in waters

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within the United States' jurisdiction, but not available to Canadian fishermen catching seafood within waters subject to Canadian jurisdiction.

According to Clark, "Antitrust exemptions are construed narrowly. If the FMA extends membership to Canadian fishermen who catch their seafood in waters subject to Canadian jurisdiction, it will lose its exemption from the antitrust laws."

Under the Department's business review procedure, an organization may submit a proposed course of action to the Antitrust Division and receive a statement as to whether the Division would challenge that action under the federal antitrust laws.

A file containing the business review request and the Department's response will be made available to the public immediately and may be examined in Room 3233, Antitrust Division, United States Department of Justice, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530 (telephone: (202) 514-2481). After a thirty-day waiting period, the documents supporting the business review will be added to the file.

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